

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS JULIAN,)	
)	
Plaintiff,)	Civil Action No. 11-131
vs.)	
)	Chief District Judge Gary Lancaster
JEFFREY BEARD, et al.,)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (ECF No. 1) on February 2, 2011, and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On November 4, 2011, the Magistrate Judge filed a Report and Recommendation (ECF No. 30) recommending that Defendants' Partial Motion to Dismiss (ECF No. 26) be granted and that the Complaint be dismissed against Defendants Beard, Zwierzyna and Harlow in their individual capacities and that it be dismissed against all of the Defendants in their official capacities. Plaintiff filed Objections to the Report and Recommendation on November 14, 2011 (ECF No. 31). Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 15th day of November, 2011, **IT IS HEREBY ORDERED** that Defendants' Partial Motion to Dismiss (ECF No. 26) is **GRANTED**.

IT IS FURTHER ORDERED that the Complaint is **DISMISSED** against Defendants Beard, Zwierzyna and Harlow in their individual capacities and **DISMISSED** against all of the Defendants in their official capacities.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 30) dated November 4, 2011, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that this case is remanded back to the Magistrate Judge for all further pre-trial proceedings.

By the Court:

A handwritten signature in black ink, appearing to read "Gary L. Lancaster", written over a horizontal line.

Gary L. Lancaster
Chief United States District Judge

cc: Thomas Julian
836 Linden Ave. Apt. 37.
East Pittsburgh, PA 15112